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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MARCUS MATTINGLY,

15 Defendant.

Case No. 2:21-MJ-00231-BNW-1

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**
(Second Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Andrew Wong, Assistant Federal Public Defender, counsel for Marcus Mattingly, that the
21 Preliminary Hearing currently scheduled on May 4, 2021 at 2:00 pm, be vacated and continued
22 to a date and time convenient to the Court, but no sooner than thirty (30) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. Defense counsel needs additional time to review discovery.
25 2. Parties have entered negotiations and need the additional time to resolve this
26 matter.

1 3. Defendant is incarcerated and does not object to a continuance.

2 4. Additionally, denial of this request for continuance could result in a
3 miscarriage of justice.

4 5. The additional time requested by this stipulation is excludable in computing
5 the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,
6 United States Code, Section 3161(b), considering the factors under Title 18, United States
7 Code, Section 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this
8 stipulation also is excludable in computing the 90-day speedy trial clock imposed by the
9 Speedy Trial Act, Title 18, United States Code, Section 3161(c), considering the factors under
10 Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

11 This is the second request for continuance filed herein.

12 DATED this 30th day of April, 2021.

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14 RENE L. VALLADARES
15 Federal Public Defender

 CHRISTOPHER CHIOU
 Acting United States Attorney

16 /s/ Andrew Wong

17 By _____

18 ANDREW WONG
19 Assistant Federal Public Defender

 /s/ Melanee Smith

20 By _____

21 MELANEE SMITH
22 Assistant United States Attorney
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 MARCUS MATTINGLY,

7 Defendant.
8

Case No. 2:21-MJ-00231-BNW-1

ORDER

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10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on
12 Tuesday, May 4, 2021 at the hour of 3:00 p.m., be vacated and continued to
13 June 8, 2021 at the hour of 3:30 p.m.

14 DATED this 3rd day of May , 2021.

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17 UNITED STATES MAGISTRATE JUDGE
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